

REMARKS

Claims 1-79 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,401,085 to Gershman et al. (hereinafter Gershman). This rejection is respectfully traversed.

Applicants have amended all of the independent claims in this application to specify that the user identification “comprises an identifier corresponding to an account number used in a transaction.” As explained on page 6, lines 15-27 of the specification, account numbers used in transactions can easily be used to identify users outside their homes. For example, at gasoline pumps a user may swipe his credit card and the pump will automatically be able to identify the user. Content can then be delivered to the user at the pump. Alternatively, a user’s ATM card will be able to identify the user and content can then be delivered to the ATM. Further, since the user must input this information anyways to complete a transaction, the targeted programming can be provided to the user without the user having to input any additional information.

Gershman does not describe a system in which targeted programming content is delivered to a user identified by an account number used in a transaction as claimed. Specifically, as shown in Fig. 20, Gershman requires that the user input a username as a client identifier. Accordingly, Gershman does not disclose or suggest selecting a program based on an identifier corresponding to an account number used in a transaction as claimed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 559442004300.

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Respectfully submitted,

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